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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS -
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF:

KRISTINE A. CONWAY, D.V.M.

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners ("Board") following the Board's review of a consumer complaint filed by Darren and Viki Gutowski, on or about March 11, 2003, concerning the services rendered by Kristine A. Conway, D.V.M., to their cat, "Leo" on February 18, 2003. The Gutowskis alleged that Dr. Conway engaged in negligence, malpractice and professional misconduct in her treatment of Leo.

The Gutowskis took Leo to Dr. Conway's office, on February 18, 2003, after a night of continuous vomiting by the cat. Dr. Conway took the medical history of Leo and performed diagnostic testing, including x-rays. Dr. Conway then recommended that she perform a barium study on Leo in order to better view his stomach and intestines for

foreign objects. The Gutowskis agreed to the procedure and left Leo in Dr. Conway's office.

Dr. Conway performed the barium test on February 18th. Later that day when the owners returned to pick Leo up, they were advised by Dr. Conway that, while there was no indication of foreign objects, Leo had aspirated the barium. In her March 21, 2003, response to the Board, Dr. Conway maintains that she advised the owners that Leo could die or at best lose a lung. She also "strongly suggested" that the Gutowskis transport the cat to another emergency clinic so that Leo could receive around-the-clock emergent care and discharged the cat with dexamethasone and antibiotics.

The Gutowskis took Leo home and subsequently took him to another veterinarian who referred them to an emergency clinic. However, despite the treatment at the clinic, Leo died on February 19, 2003.

The Board, following its review of the entire record in this matter, has preliminarily concluded that Dr. Conway engaged in gross negligence which damaged or endangered the life of Leo in her performance of the barium study, contrary to N.J.S.A. 45:1-21(c), in that she apparently improperly injected the barium into Leo's lungs while performing the study. Additionally, the Board finds that Dr. Conway engaged in professional misconduct, in violation of N.J.S.A. 45:1-21(e), in her subsequent communications with the Gutowskis after the improper tubing of Leo. The Board concludes that Dr. Conway failed to convey to the owners the dire condition of Leo and impress upon them the need to get Leo to an emergency clinic for immediate surgery or euthanasia.

The above facts establish a basis for disciplinary action. It appearing that the respondent desires to resolve this matter without the need for formal disciplinary proceedings; and the respondent acknowledging and not contesting the findings of fact and conclusions of law made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good

cause shown;

IT IS on this ^{4th} ~~11~~ day of ~~December~~ ^{February} 2004.

ORDERED that:

1. The respondent, Kristine A. Conway, D.V.M., is hereby formally reprimanded for engaging in gross negligence and professional misconduct, contrary to N.J.S.A. 45:1-21(c) and (e) respectively, in her treatment of Leo on February 18, 2003.

2. Dr. Conway is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$1,000.00 for engaging in gross negligence in the performance of Leo's barium study in violation of N.J.S.A. 45:1-21(c). Payment for the civil penalty shall be submitted no later than ten (10) days from the entry of this Consent Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

3. Dr. Conway is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$2,500.00 for engaging in professional misconduct in her failure to adequately advise the owners of the cat's grave condition, contrary to N.J.S.A. 45:1-21(e). Payment for the civil penalty shall be submitted no later than ten (10) days from the entry of this Consent Order in the same manner detailed in paragraph 2 above.

4. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By:


ALFRED R. SCERNI, JR. ESQUIRE
President

I have read and understand the within
Consent Order and agree to be bound
by its terms. Consent is hereby given
to the Board to enter this Order.



KRISTINE A. CONWAY, D.V.M.

DATE: 12.11.03